

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST ADMINISTRATORS,
INC.,

Plaintiff,

v.

BMC EAST, LLC, a North Carolina
limited liability company,

Defendant.

NO. C21-01093-MJP

STIPULATION AND ORDER FOR
DISMISSAL WITH PREJUDICE

THE PARTIES above named, through their attorneys Russell J. Reid of Reid, McCarthy, Ballew & Leahy, L.L.P., attorneys for Plaintiff, and Steven M. Wilker of Tonkon Torp L.L.P., attorneys for Defendant, BMC East, LLC, hereby stipulate that the above-referenced action should be dismissed, with prejudice, and with each party bearing its own attorneys' fees and costs. This Stipulation shall not foreclose Plaintiff or the Trusts, based on res judicata principles or other legal principles, from collecting additional contributions, liquidated damages, interest and attorney's fees for the time period encompassed by this action, May 2021 through July 2021 for Western Conference of Teamsters Pension Trust Fund (Account Nos. 410530/412337/414348/411711); June 2021 and July 2021 for Washington Teamsters

Welfare Trust Fund (Account No. 111869) and April 2021 through July 2021 for Retirees Welfare Trust Fund (Account No. 126798), if a future audit or some other source reveals that Defendant owes the Plaintiff additional amounts for said period, or from collecting contributions, liquidated damages, interest, attorney's fees and costs for any period other than May 2021 through July 2021 for Western Conference of Teamsters Pension Trust Fund (Account Nos. 410530/412337/414348/411711); June 2021 and July 2021 for Washington Teamsters Welfare Trust Fund (Account No. 111869) and April 2021 through July 2021 for Retirees Welfare Trust Fund (Account No. 126798).

DATED this 17th day of November, 2021.

REID, MCCARTHY, BALLEW & LEAHY,
L.L.P.

TONKON TORP L.L.P.

s/Russell J. Reid

Russell J. Reid, WSBA #2560
Thomas J. Leahy, WSBA # 26365
100 West Harrison Street, N. Tower, #300
Seattle WA 98119
Telephone: (206) 285-0464
Email: rjr@rmbllaw.com
Email: tom@rmbllaw.com

Attorneys for Plaintiff

//

//

s/Steven M. Wiler

Steven M. Wilker, WSBA #33933
888 SW Fifth Avenue, Suite 1600
Portland OR 97204
Telephone: (503) 802-2040
Steven.wilker@tonkon.com

Attorney for Defendant

ORDER OF DISMISSAL

Based on the foregoing Stipulation of Plaintiff and Defendant,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this action shall be and is hereby dismissed with prejudice and that each party shall bear its own attorneys' fees and costs of suit. This Order shall not foreclose Plaintiff or the Trusts, based on res judicata principles or other legal principles, from collecting additional contributions, liquidated damages, interest and attorney's fees for the time period encompassed by this action, May 2021 through July 2021 for Western Conference of Teamsters Pension Trust Fund (Account Nos. 410530/412337/414348/411711); June 2021 and July 2021 for Washington Teamsters Welfare Trust Fund (Account No. 111869) and April 2021 through July 2021 for Retirees Welfare Trust Fund (Account No. 126798), if a future audit or some other source reveals that Defendant owes the Plaintiff additional amounts for said period, or from collecting contributions, liquidated damages, interest, attorney's fees and costs for any period other than May 2021 through July 2021 for Western Conference of Teamsters Pension Trust Fund (Account Nos. 410530/412337/414348/411711); June 2021 and July 2021 for Washington Teamsters Welfare Trust Fund (Account No. 111869) and April 2021 through July 2021 for Retirees Welfare Trust Fund (Account No. 126798).

ORDER ENTERED this 22nd day of November, 2021.



Marsha J. Pechman
United States Senior District Judge

Submitted for Entry:

REID, McCARTHY, BALLEW & LEAHY,
L.L.P.

By: s/Russell J. Reid

Russell J. Reid, WSBA #2560

Thomas A. Leahy, WSBA #26365

100 West Harrison Street, N. Tower, #300

Seattle WA 98119

Telephone: (206) 285-0464

Fax: (206) 285-8925

Email: rjr@rmbllaw.com

Email: tom@rmbllaw.com

Attorneys for Plaintiff